

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

BBC BAYMEADOWS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:14-cv-00676-HTW-LRA
)	
CITY OF RIDGELAND, MISSISSIPPI,)	
)	
Defendant.)	
)	

**PLAINTIFF BBC BAYMEADOWS, LLC’S
MOTION TO COMPEL DISCOVERY AND FOR APPROPRIATE SANCTIONS**

BBC Baymeadows, LLC (“BBC”) submits its Motion to Compel Discovery and for Appropriate Sanctions, and in support, would show the following:

1. For more than five months, the City of Ridgeland (the “City” or “Ridgeland”) has refused to participate in discovery to the extent required by the Federal Rules of Civil Procedure and this Court’s Case Management Order. Rather than gathering and producing indisputably relevant materials in response to BBC Baymeadows, LLC’s (“BBC”) discovery requests, the City has (a) continually delayed its document productions—stringing them out over months, (b) limited its search for responsive documents to a small subset of files primarily maintained by just one City Department, (c) refused to search for relevant files or emails from the Mayor or Aldermen who passed the zoning laws at issue in this suit, (d) refused to run electronic search terms on files maintained by relevant departments, employees, and officials, (e) broadly claimed privilege over many documents without any legitimate basis, and (f) reneged on multiple promises it made to supplement its document production and interrogatory answers. For example, despite acknowledging in its interrogatory answers that Mayor Gene McGee and the

Board of Aldermen have “personal knowledge” regarding critical issues in the case, (Ex. 1, Ridgeland Suppl. Resp. to Interrogatories at 2), and that Mayor McGee “regularly interacts with and directs City employees,” (*id.*), the City has produced few emails to or from Mayor McGee, and ***less than 20*** emails to or from any of the Aldermen. In total, despite claiming years of planning behind the 2014 Rezoning, the City has produced an inexplicably small number of emails.

2. BBC has attempted for ***months*** to work these issues out with Ridgeland, but regrettably, the City’s continued delay and obstinance has left BBC with no choice but to seek the Court’s intervention. Specifically, for the reasons set forth below, BBC respectfully requests the Court compel Ridgeland to:

- (a) Collect and produce all non-privileged documents and data within its possession, custody, or control that is responsive to BBC’s discovery requests, including paper and electronic documents and emails maintained by the Mayor, Aldermen, and other officials, departments, and employees involved in the conduct outlined in BBC’s Amended Complaint,
- (b) Utilize the electronic search terms BBC proposed to locate and produce electronic documents, emails, and associated metadata from any computers, file servers, or media within the City’s possession, custody, and control,
- (c) Produce documents contained on its privilege log that do not appear to reflect any attorney-client privileged or work-product communications,
- (d) Provide full and complete answers to BBC’s interrogatories, and
- (e) Prepare and produce a Rule 30(b)(6) witness to testify regarding the City’s knowledge on the topics listed in BBC’s deposition notice on or before May 21, 2015.

3. Given the City’s repeated delays in completing basic and expected discovery tasks, and the extraordinary efforts and expense that BBC has incurred to pursue clearly discoverable information, BBC further respectfully requests the Court impose any sanction it deems appropriate under Federal Rule of Civil Procedure 37(a), including but not limited to

awarding BBC the fees and costs it expended in pursuing this discovery and prosecuting this motion.

4. In support of its Motion, BBC submits its memorandum brief, which is incorporated in its entirety herein by reference. In further support of its Motion, BBC offers the following exhibits:

- (1) Ridgeland's Second Supplemental Responses and Objections to BBC's First Set of Interrogatories
- (2) Southeast Ridgeland Redevelopment Project Confidential Project Analysis
- (3) BBC's First Set of Discovery Requests
- (4) Ridgeland's Responses and Objections to BBC's First Set of Discovery Requests
- (5) Ridgeland's First Supplemental Responses and Objections to BBC's First Set of Discovery Requests
- (6) January 22, 2015 Letter from Martin Roth to Ridgeland's Counsel
- (7) January 27, 2015 Letter from Russ Latino to Martin Roth
- (8) January 29, 2015 Letter from Martin Roth to Russ Latino
- (9) February 5, 2015 Letter from Martin Roth to Ridgeland's Counsel
- (10) February 11, 2015 Letter from Russ Latino to Martin Roth
- (11) February 13, 2015 Letter from Martin Roth to Russ Latino
- (12) February 20, 2015 Letter from Martin Roth to Russ Latino
- (13) February 23, 2015 Email from Martin Roth to Russ Latino
- (14) February 25, 2015 Email from Martin Roth to Russ Latino
- (15) February 26, 2015 Email from Martin Roth to Russ Latino
- (16) March 3, 2015 Email from Martin Roth to Russ Latino
- (17) March 4, 2015 Email from Russ Latino to Martin Roth

- (18) March 4, 2015 Email from Russ Latino to Martin Roth
- (19) March 10, 2015 Letter from Russ Latino to Martin Roth
- (20) Ridgeland Privilege Log
- (21) March 16, 2015 Letter from Martin Roth to Russ Latino
- (22) March 17, 2015 Email from Russ Latino to Martin Roth
- (23) March 24, 2015 Email from Russ Latino to Martin Roth
- (24) April 2, 2015 Email from Russ Latino to Martin Roth
- (25) April 7, 2015 Letter from Russ Latino to Martin Roth
- (26) April 8, 2015 Letter from Martin Roth to Russ Latino
- (27) April 2, 2015 Email from Sheldon Alston to Kelly Simpkins
- (28) BBC Correspondence with Ridgeland

WHEREFORE, PREMISES CONSIDERED, BBC respectfully requests that the Court enter an Order compelling the City to comply with its discovery obligations as outlined above and as more fully explained in its supporting memorandum brief and awarding BBC its costs and attorneys' fees associated with the City's failure to comply with its obligations under the Federal Rules of Civil Procedure.

Date: April 10, 2015

Respectfully submitted,

/s/ William D. Drinkwater

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel registered for electronic service.

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This the 10th day of April, 2015.

/s/William D. Drinkwater
One of Its Attorneys